

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 24 February 2000 (24.02.00)	
International application No. PCT/IB99/01323	Applicant's or agent's file reference PDC/AB/20762
International filing date (day/month/year) 14 July 1999 (14.07.99)	Priority date (day/month/year) 15 July 1998 (15.07.98)
Applicant DAUVOIS, Jean-Luc et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

14 January 2000 (14.01.00)

☐ in a notice effecting later election filed with the International Bureau on:
2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Christine Carrié Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

<p>To:</p> <p>COZENS, Paul, Dennis Mathys & Squire 100 Gray's Inn Road London WC1X 8AL GRANDE BRETAGNE</p>		<p style="text-align: right; font-size: 1.5em; font-weight: bold;">PCT</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;">MATHYS & SQUIRE</p> <p style="text-align: center;">22 MAY 2000</p> <p style="text-align: center;">REPLY DATE REP IPER</p> </div> <p style="text-align: center;">22/6/00</p> <p style="text-align: center;">NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)</p>	
<p>Date of mailing (day/month/year)</p>		<p>19.05.2000</p>	
<p>Applicant's or agent's file reference PDC/AB/20762</p>		<p>IMPORTANT NOTIFICATION</p>	
<p>International application No. PCT/IB99/01323</p>	<p>International filing date (day/month/year) 14/07/1999</p>	<p>Priority date (day/month/year) 15/07/1998</p>	
<p>Applicant CANAL+ SOCIETE ANONYME et al.</p>			



1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.



<p>Name and mailing address of the IPEA/</p> <div style="text-align: center;">  </div> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized officer</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">B. Stannartz</p> <p>Tel. +49 89 2399-</p> <div style="text-align: right;">  </div>
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PDC/AB/20762	<div style="display: flex; justify-content: space-between;"> <div>FOR FURTHER ACTION</div> <div>See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)</div> </div>	
International application No. PCT/IB99/01323	International filing date (day/month/year) 14/07/1999	Priority date (day/month/year) 15/07/1998
International Patent Classification (IPC) or national classification and IPC H04N7/167		
Applicant CANAL+ SOCIETE ANONYME et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input checked="" type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 14/01/2000	Date of completion of this report 19.05.2000	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Loeser, E Telephone No. +49 89 2399 8482 <div style="text-align: right;">  </div>	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB99/01323

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-34 as originally filed

Claims, No.:

1-27 as originally filed

Drawings, sheets:

1-8 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB99/01323

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-26
	No:	Claims	27
Inventive step (IS)	Yes:	Claims	1-26
	No:	Claims	27
Industrial applicability (IA)	Yes:	Claims	1-27
	No:	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

1. General

The present application does not satisfy the criteria set forth in Articles 33(2) and 33(3) PCT because the subject-matter of claim 27, as far as it can at present be construed, is not new or not inventive in respect of prior art as required by the regulations (Rule 64.1-3 PCT). Moreover, the claims have deficiencies with respect to the requirements set out in Art. 6 PCT. Details of the objections are set out below.

2. Concerning Section VIII - Art. 6 PCT:

2.1. Lack of conciseness

The various definitions of the invention given in independent method claims 1 and 13 are such that the claims as a whole are not concise, contrary to Art. 6 and Rule 6.1(a) PCT.

The claims should include the minimum necessary number of independent claims in any one category, with dependent claims as appropriate. In the present case it is considered appropriate to use only one independent claim in any category.

Claims 1 and 13 appear to relate effectively to substantially overlapping subject-matter. The two claims differ from each other only with regard to the names assigned to the first and second devices, and with regard to the source from which the second device receives the certificate. It is considered that these two differences could be maintained without difficulty in a claim 13 that is made dependent upon claim 1.

2.2. Claims 7, 9-12, 24-25

As least some of the features in method claims 7, 9-12, and 24-26 relate to an apparatus rather than imposing any clear re-

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01323

strictions on the method itself, so that the requirement of clarity set out in Art. 6 PCT is not met.

2.3. Claim 27

Claim 27 fails to specify the technical features that are required to define the intended scope of protection. The claim therefore contravenes the requirements of clarity and provision of essential features set out in Art. 84 EPC.

3. Concerning Section V - Articles 33(2) and 33(3) PCT

The following documents is cited - the numbering will be adhered to in the rest of the procedure:

D1: WO-A-97/38530.

3.1. Claim 1

The invention is applicable to a decoder and recorder for scrambled audio-visual signals. In particular, the invention pertains to a secure/encrypted communication link between two such devices.

D1 (abstract) anticipates the preamble of claim 1 and further discloses (in terms of claim 1, claimed features not disclosed being emphasized and put in angled brackets, comments being put in parentheses):

- (a) the second device receives a certificate comprising a
 <transport public> key encrypted by a <management private>
 key"
 (D1, abstract: the second device 5 receives a first message
 comprising a random key Ci encrypted using a conditional
 access module CAM public key; the random key is generated and
 encrypted at the first device 4);

- (b) the second device decrypting the certificate using an equivalent **<management public>** key
(D1, abstract: the second device decrypting the first message using a CAM secret key to obtain the random key Ci);
- (c) the second device thereafter using the decrypted **<transport public>** key to encrypt information sent to the first device
(D1, abstract: using the decrypted random key Ci);
- (d) the first device using the equivalent **<(transport!) private>** key to decrypt the information
(D1, abstract: using the random key Ci that was sent in step a) in encrypted form from the first to the second device);

Hence, there are substantial differences between the disclosure of D1 and the subject-matter of claim 1. These differences do not appear to be disclosed in or to be obvious from the presently available prior art.

3.2. Claim 13

The findings set out in paragraph 3.1 above with regard to claim 1 correspondingly apply to claim 13.

3.3. Claim 27

The deficiencies of claim 27 with respect to Art. 6 PCT are such that the claimed subject-matter cannot be associated with novelty or an inventive step as required by Articles 33(2) and 33(3) PCT.

4. Concerning Section VII: Description and other belongings

4.1. Claim 27 is not cast in the two-part form as required by Rule 6.3(b) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01323

4.2. The claims are not complemented with reference signs as required by Rule 6.2(b) PCT.

4.3. At least some of the dependent claims, such as apparatus claims 5, 7-10, 12 are multiple-dependent (alternatively dependent) on claims (eg on claim 3) which themselves are multiple-dependent claims. Accordingly, the requirements set out in Rule 6.4(a) PCT are infringed.

4.4. Document D1 is not cited in the description, and the relevant passages of D1 are not summarized in the description.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PDC/AB/20762	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 99/ 01323	International filing date (day/month/year) 14/07/1999	(Earliest) Priority Date (day/month/year) 15/07/1998
Applicant CANAL+ SOCIETE ANONYME et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

8. _____



None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 99/01323

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 H04N7/167 H04L29/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 H04N H04L G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X Y Y A	<p>WO 97 38530 A (DIGCO B V ; RIX SIMON PAUL ASHLEY (ZA); GLASSPOOL ANDREW (GB); DAVI) 16 October 1997 (1997-10-16)</p> <p>page 1, line 19 - line 26 page 4, line 1 - page 5, line 10 ---</p> <p>US 5 748 732 A (LE BERRE JACQUES ET AL) 5 May 1998 (1998-05-05)</p> <p>column 1, line 17 - column 2, line 16 column 3, line 23 - line 35 column 3, line 64 - column 4, line 43 --- -/--</p>	<p>1, 3, 5, 6, 12, 13, 26, 27 10, 11, 24, 25</p> <p>10, 11 9</p>

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

29 October 1999

Date of mailing of the international search report

05/11/1999

Name and mailing address of the ISA

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Authorized officer

Sindic, G

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 99/01323

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 97 35430 A (NEWS DATACOM LTD ;TSURIA YOSSEF (IL)) 25 September 1997 (1997-09-25)	10,11
A	page 3, line 1 -page 4, line 16 ----	9
Y	"ENCRYPTION OF INFORMATION TO BE RECORDED SO AS TO PREVENT UNAUTHORIZED PLAYBACK" RESEARCH DISCLOSURE, no. 335, 1 March 1992 (1992-03-01), page 219 XP000301128 ISSN: 0374-4353 the whole document ----	24,25
A	FORD W ET AL: "PUBLIC-KEY CRYPTOGRAPHY AND OPEN SYSTEMS INTERCONNECTION" IEEE COMMUNICATIONS MAGAZINE, vol. 30, no. 7, 1 July 1992 (1992-07-01), pages 30-35, XP000307910 page 2, paragraph 5 ----	1,13,27
A	FR 2 732 537 A (CANAL PLUS SA) 4 October 1996 (1996-10-04) page 2, line 12 -page 3, line 23 ----	13,18
A	US 4 633 309 A (LI TONY C ET AL) 30 December 1986 (1986-12-30) column 2, line 36 - line 68 -----	9

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 99/01323

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9738530	A	16-10-1997	AU 2506397 A CA 2250833 A CN 1215528 A EP 0891670 A HR 970160 A	29-10-1997 16-10-1997 28-04-1999 20-01-1999 28-02-1998
US 5748732	A	05-05-1998	FR 2730372 A EP 0726676 A JP 8251569 A	09-08-1996 14-08-1996 27-09-1996
WO 9735430	A	25-09-1997	IL 117547 A AU 1317597 A EP 0826288 A GB 2311451 A, B	14-07-1999 10-10-1997 04-03-1998 24-09-1997
FR 2732537	A	04-10-1996	NONE	
US 4633309	A	30-12-1986	CA 1250656 A	28-02-1989